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TC 1700

PATENT

Attorney Docket No. 07456.0009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Herbert PEIFFER et al.

Application No.: 09/274,781

Filed: March 24, 1999

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Group Art Unit: 1773

Examiner: V. Chen

#19

For: TRANSPARENT POLYESTER FILM WITH HIGH OXYGEN BARRIER
AND ADDITIONAL FUNCTIONALITY, ITS USE AND PROCESS FOR ITS
PRODUCTION

Assistant Commissioner for Patents

Washington, DC 20231

Sir:

Terminal Disclaimer

Assignee, Mitsubishi Polyester Film GmbH, duly organized under the laws of Germany, represents that it is the assignee of the entire right, title and interest in and to this application, Application No. 09/274,781, filed March 24, 1999, for TRANSPARENT POLYESTER FILM WITH HIGH OXYGEN BARRIER AND ADDITIONAL FUNCTIONALITY, ITS USE AND PROCESS FOR ITS PRODUCTION in the names of Herbert Peiffer, Cynthia Bennett, Guenther Crass, Gottfried Hilkert and Werner Roth, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 010017, Frame 0288 on June 14, 1999. Assignee, Mitsubishi Polyester Film GmbH, further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent No. 6,054,212.

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,054,212. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

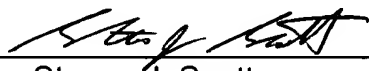
In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 4, 2002

By: 
Steven J. Scott
Reg. No. 43,911